

REMARKS

The final Office action mailed on 13 April 2006 (Paper No. 20060124) has been carefully considered. Claims 1, 4, 5, 7, 10 thru 13, 16, 19, 21 and 22 are pending in the application.

In paragraph 10 of the final Office action, the Examiner rejected claims 1, 4, 5, 7, 10 thru 13, 16, 19, 21 and 22 under 35 U.S.C. §103 for alleged unpatentability over Anderson *et al.*, U.S. Patent No. 6,567,122 in view of "Applicant's Admitted Prior Art (AAPA)". For the reasons stated below, it is submitted that the invention recited in the claims, as now amended, is distinguishable from the prior art cited by the Examiner so as to preclude rejection under 35 U.S.C. §103.

Independent claims 1 and 13 recite the network system of the present invention as comprising the new and non-obvious combination of at least one network unit, a dynamic host configuration protocol (DHCP) server, and an agent server, the agent server including a communication unit, a database, and a control unit with the new and non-obvious functions recited in the claims. Similarly, independent method claims 7 and 9 recite a method of controlling a network system having a DHCP server, an agent server, and at least one network unit, with the steps of claims 7 and 19 corresponding to the functions recited in independent system claims 1 and 13. Thus, the functions and steps recited in system claims 1 and 13 and method claims 7 and 19, respectively, define the invention in a manner

distinguishable from the prior art so as to preclude rejection under 35 U.S.C. §103.

Each of independent claims 1, 7, 13 and 19 recites the network system as including a dynamic host configuration protocol (DHCP) server. As recited in independent system claim 1, the DHCP server is responsive to a request from each network unit for assigning a variable Internet protocol (IP) address to each network unit for a predetermined period of time. As recited in independent system claim 13, the IP address is assigned to each network unit by the DHCP server. In addition, as recited in independent method claims 7 and 19, the method of the present invention includes an initial step of requesting a variable IP address for each network unit from the DHCP server when the network unit is powered up, as well as the step of transmitting the requested IP address from the DHCP server to each network unit. Finally, each of the independent claims recites that the “unique identification information” comprises at least one of an Ethernet address and a search keyword for a variable IP address of a network unit.

The single patent cited and applied by the Examiner, Anderson *et al.* ‘122, does not disclose, suggest or even mention a DHCP server as a part of the system disclosed in that patent. Thus, the invention as recited in independent claims 1, 7, 13 and 19 is distinguishable from Anderson *et al.* ‘122 on this basis alone.

At page 7, lines 14-15 of the final Office action, the Examiner admits that the system

and method of Anderson *et al.* '122 fail to expressly disclose a DHCP server. However, at page 7, lines 16-18 of the final Office action, the Examiner contends that Anderson *et al.* '122 suggests that a DHCP server is involved when it describes a network unit as changing addresses each time it establishes an Internet connection (citing column 9, lines 4-9 and column 12, line 57 thru column 13, line 12). However, none of the portions of the text of Anderson *et al.* '122 cited by the Examiner mentions or suggests the involvement of a DHCP server in the changing of an address of a network unit each time it establishes an Internet connection.

On page 7 of the final Office action, the Examiner further suggests that DHCP servers were "well known in the art at the time of the present invention" (quoting from page 7, lines 19-20 of the final Office action). At page 7, lines 20-21 of the final Office action, the Examiner alleges that the Applicant "admits this in a discussion of the related art", citing page 2, paragraph 6 of the present application. However, whereas Applicant does discuss DHCP servers in the "Related Art" section of the application, at no point in that section or in the application in general does the Applicant admit that DHCP servers having the functions recited in the claims of the present application were well known in the prior art, as the term "prior art" is defined in the sub-sections of 35 U.S.C. §103. Thus, it is respectfully submitted that the Examiner is in error when he cites portions of the present application as constituting "Applicant's Admitted Prior Art" (AAPA).

Furthermore, one of ordinary skill in the art, at the time of the invention, would not have had access to the present application. Thus, it is doubtful that one of ordinary skill in the art, upon reviewing the disclosure of Anderson *et al.* '122, would receive sufficient information to modify the disclosure of Anderson *et al.* '122 so as to add a DHCP server to that disclosure. It is submitted that the only reason that the Examiner is able to make that modification to Anderson *et al.* '122 is due to the fact that the Examiner (unlike one of ordinary skill in the art at the time of the invention) has had access to the disclosure of the present application.

In paragraph 4 on pages 3 and 4 of the previous Office action of 28 September 2005 (Paper No. 20050719), the Examiner cited three references in support of the assertion that DHCP servers were well known in the art as of the date of the present invention. However, it should be noted that the Examiner has not cited any of the three references in combination with Anderson *et al.* '122 under 35 U.S.C. §103. Furthermore, it should also be noted that one of the reference ("What is DHCP?") has a date (September 2003) which falls well after Applicant's priority date (20 November 2000) and U.S. filing date (26 July 2001). Thus, that reference cannot be used as a reference under 35 U.S.C. §103. Finally, the Examiner has not cited any portion of Anderson *et al.* '122, and in fact there is no portion of Anderson *et al.* '122, which would motivate or instruct a person of ordinary skill in the art to find the disclosure of a DHCP server and to incorporate that disclosure into a modification of the disclosure of Anderson *et al.* '122.

Further considering the portions of Anderson *et al.* '122 cited by the Examiner at page 7, lines 16-18 of the final Office action, the patent does mention the use of ID server 760 to maintain a registry 1001 of relevant Internet addresses so as to solve the "unknown address" problem encountered by users attempting to access another Internet location (for example, *see* column 12, lines 57-67 of Anderson *et al.* '122). However, in the final Office action, the Examiner has cited ID server 760 of Anderson *et al.* '122 as corresponding to the claimed "agent server" (*see* page 6, line 18 of the final Office action). Thus, the ID server 760 of Anderson *et al.* '122 cannot serve as a DHCP server in the Examiner's scenario since, according to that scenario, the ID server 760 corresponds to the claimed "agent server".

In response to the latter argument, the Examiner states (at page 3, lines 18-20 of the final Office action) that he agrees with the latter argument, but alleges that Anderson *et al.* '122 suggests "that the ISP (710) would use the DHCP server instead" (*see* page 4, line 1 of the final Office action). The Examiner cites column 9, lines 4-9 and column 12, line 57 thru column 13, line 12, as well as Figure 7, of Anderson *et al.* '122. However, these citations do not support the Examiner's assertion. In the same sentence, the Examiner cites "What is DHCP?", but that reference does not support the Examiner's assertion, is not cited as a reference in combination with Anderson *et al.* '122 under 35 U.S.C. §103, and in fact cannot be cited under 35 U.S.C. §103 because it has a date which falls well after Applicant's priority date and U.S. filing date.

In response to the latter argument, the Examiner states that “the reference discloses a definition for DHCP”, and that the “Examiner submits that this definition would be no different at the time of Applicant’s priority date or U.S. filing date, than the actual date of the cited reference” (quoting from page 4, lines 4-7 of the final Office action). However, this is a presumption on the part of the Examiner, and is not supported by citation to any reference or prior publication. Thus, the statement by the Examiner, especially with respect to the allegation “that this definition would be no different at the time of Applicant’s priority date or U.S. filing date, than the actual date of the cited reference” (again, quoting from page 4, lines 4-7 of the final Office action), constitutes the mere expression of an opinion on the part of the Examiner, unsupported by citation to any prior patent or publication.

The Examiner goes on to state that, “[f]urthermore, the What is DHCP? Reference was used merely to provide evidence of implicit, if not inherent, teachings of Anderson” (quoting from page 4, lines 7-8 of the final Office action). However, again, since the “What is DHCP” reference does not pre-date the Applicant’s priority date or U.S. filing date, that reference cannot be used as evidence in support of the Examiner’s stated opinion, and cannot be used as a secondary reference for the purpose of modifying, clarifying or expanding upon the disclosure of Anderson *et al.* ‘122.

Finally, Anderson *et al.* ‘122 does not disclose or suggest the provision, transfer and use of “unique identification information” comprising at least one of an Ethernet address

and a search keyword for a variable IP address of each network unit, as now recited in claims 1, 7, 13 and 19. In response, in paragraph 5 on page 4 of the Office action, the Examiner merely states that he “has interpreted the URL to be at least one of an Ethernet address and a search keyword for a variable IP address of each network unit” (quoting from page 4, lines 11-12 of the final Office action). However, the Examiner provides no support for his interpretation, so that the argument is based merely on the Examiner’s opinion as not supported by any reference.

In response to the latter argument, the Examiner merely directs the Applicant’s attention to the cited passage (column 9, lines 39-50) of Anderson *et al.* ‘122 (*see* page 4, lines 14-15 of the final Office action). The Examiner then proceeds to state again his interpretation of the cited passage (*see* page 4, lines 15-19 of the final Office action). Thus, in response to Applicant’s request for citation of external evidence supporting the Examiner’s interpretation of the cited passage of Anderson *et al.* ‘122, the Examiner merely refers the Applicant once again to the cited passage, and only provides a restatement of his interpretation of the cited passage.

To summarize, Anderson *et al.* ‘122 does not disclose each and every element and function as recited in the independent claims of the present application. Moreover, one of ordinary skill in the art, upon reviewing Anderson *et al.* ‘122 as of date of the invention, would not be provided with sufficient information to modify that disclosure so as to arrive

at the present invention, as suggested by the Examiner in the final Office action.

Independent system claims 1 and 13 recite an agent server which includes a communication unit for receiving unique identification information comprising an Ethernet address and a search keyword for a variable IP address for each network unit, the latter data being stored in a database or storing means. As further recited in independent claims 1 and 13, the communication unit also receives, from the user, unique identification information comprising an Ethernet address and a search keyword for a variable IP address for a network unit selected by the user.

Anderson *et al.* '122 does not disclose a communication unit for performing the functions recited in independent claims 1 and 13. In the final Office action, the Examiner attempts to counter the latter argument by alleging that Anderson *et al.* '122 contains a sufficient disclosure of the general functions of the elements recited in the claims of the present application. However, Applicant is not claiming the functions alone, but is claiming (in each of the independent claims) an arrangement of elements for performing the functions recited in independent claims 1 and 13, as well as the steps recited in independent claims 7 and 19. Thus, it cannot be said that Anderson *et al.* '122 discloses or suggests a communication unit for performing the specific functions recited in independent claims 1 and 13.

Furthermore, independent method claims 7 and 19 recite method steps corresponding to the functions set forth above relative to the communication unit. Thus, method claims 7 and 19 are also distinguishable from the disclosure of Anderson *et al.* '122 on that basis.

In paragraph 6 on page 5 of the final Office action, the Examiner attempts to counter this argument by stating that “Anderson does teach receiving and storing variable IP addresses” and that “it is implied in the teachings of Anderson that Anderson is using a communication unit, similar to Applicant’s claimed communication unit” (quoting from page 5, lines 2-5 of the final Office action). However, again, the Examiner is merely relying on his own interpretation of what is “implied” in Anderson *et al.* '122 without providing support for that interpretation.

In paragraph 6 of the final Office action, the Examiner attempts to present a counter-argument by stating that the “Examiner maintains the arrangement of elements for performing the functions recited in independent claims 1 and 13, as well as the steps recited in independent claims 7 and 19, fails [*sic*] to distinguish over the disclosed teachings of Anderson” (quoting from page 5, lines 5-8 of the final Office action). However, this amounts to a general statement of the Examiner’s interpretation of Anderson *et al.* '122, without providing any details in support of this allegation.

Independent system claims 1 and 13 further recite the agent server as including a

control unit connected to the communication unit and to the database or storing means for receiving from the user unique identification information comprising an Ethernet address and a search keyword for a network unit selected by the user. Anderson *et al.* '122 does not disclose or suggest a control unit for performing this function. Independent method claims 7 and 19 recite method steps corresponding to the latter function of the control unit (*see* step (d) of each claim), and thus the method recited in claims 7 and 19 is further distinguishable from the disclosure of Anderson *et al.* '122 on that basis.

In paragraph 7 on page 5 of the final Office action, the Examiner attempts to counter this argument by stating that “Anderson does teach an agent server (760) and database or storing means for receiving from the user unique identification information comprising at least an Ethernet address and a search keyword for a network unit selected by the user (col. 9, lines 39-50)” (quoting from page 5, lines 11-14 of the final Office action). However, Anderson *et al.* '122 does not **teach** “unique identification information comprising at least an Ethernet address and a search keyword” as alleged by the Examiner because, as stated by the Examiner in paragraph 5 on page 4 of the Office action, that is merely the Examiner’s **interpretation** (*see* page 4, lines 11-12 of the final Office action).

In paragraph 7 on page 5 of the Office action, the Examiner further argues that it is implied in the teachings of Anderson that a control unit is connected to a communication unit and database or storing means similar to Applicant’s claimed invention (*see* page 5, lines 14-

16 of the final Office action). However, again, the Examiner does not support this argument with any citation to Anderson *et al.* '122 or any other reference, so that the argument is merely the expression of an unsupported opinion on the part of the Examiner. In fact, the Examiner merely restates his position that he “maintains the arrangement of elements for performing the functions recited in independent claims 1 and 13, as well as the steps recited in independent claims 7 and 19, fails [*sic*] to distinguish over the disclosed teachings of Anderson” (quoting from page 5, lines 16-19 of the final Office action).

As mentioned above, in the final Office action, the Examiner alleges that Anderson *et al.* '122 discloses, in general terms, the functions and/or steps recited in the claims of the present application. However, as mentioned above, Anderson *et al.* '122 does not disclose the recited elements for performing those functions or steps, as recited in independent claims 1, 7, 13 and 19. Therefore, it cannot be said that one of ordinary skill in the art, upon reviewing the disclosure of Anderson *et al.* '122 at the time of the invention, would receive sufficient information to modify the disclosure of that patent so as to arrive at an arrangement of elements identical to the arrangement of elements recited in claims 1, 7, 13 and 19 or the present application.

Furthermore, as recited in independent system claims 1 and 13, the control unit searches the database or storing means for a variable IP address of the network unit selected by the user on the basis of the unique identification information received from the user, and

then responds to the results produced by the search for enabling the user to gain access to the selected network unit. In contrast, Anderson *et al.* '122 does not disclose a control unit as recited in independent claims 1 and 13, much less a control unit for performing the function recited in the claims as just discussed above.

Independent method claims 7 and 19 recite steps corresponding to the latter function of the control unit (*see* steps (d) and (e) of each method claim), and thus the invention recited in claims 7 and 19 is further distinguishable from Anderson *et al.* '122 on that basis.

To summarize, independent system claims 1 and 13 recite an agent server having a communication unit, a database and a control unit with the functions recited in the claims. In contrast, Anderson *et al.* '122 does not disclose the details of an agent server, and thus does not disclose a communication unit or a control unit having the functions recited in the claims.

Finally, independent method claims 7 and 19 recite a method of controlling a network system having a DHCP server, an agent server, and at least one network unit, and then recite that various steps are performed by the latter elements. Moreover, independent method claims 7 and 19 also recite steps corresponding to the functions of the communication unit and the control unit recited in system claims 1 and 13. Thus, independent claims 7 and 19 are distinguishable from the disclosure of Anderson *et al.* '122 on these bases.

In view of the above, it is submitted that the claims of this application are in condition for allowance, and early issuance thereof is solicited. Should any questions remain unresolved, the Examiner is requested to telephone Applicant's attorney.

A petition for a one month extension of time accompanies this response. The Commissioner is authorized to charge Deposit Account No. 02-4943 of Applicant's undersigned attorney in the amount of \$120.00. Should the petition become lost, the Commissioner is requested to treat this paragraph as a petition for an extension of time

Respectfully submitted,



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